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-----X
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X

SANOPI PASTEUR, INC., f/k/a AVENTIS
PASTEUR, INC., and Cargo Insurers,
:

Plaintiff,

07 Civ. 6354 (BSJ) (FM)

- against -

STIPULATION & ORDER
OF DISCONTINUANCE

KUEHNE & NAGEL, INC.; KUEHNE &
NAGEL, S.A.; EXCLUSIVE
TRANSPORTATION FOR INDUSTRY,
INC.; CONTINENTAL AIRLINES, INC.;
:

Defendants.

-----X
KUEHNE & NAGEL, INC.
:

Third-Party Plaintiff,

-against-

SOUTHWEST AIRLINES CO.
:

Third-Party Defendant.
:

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An agreement to recommend settlement having been reached, it is hereby stipulated and agreed that this action including all cross-claims, third-party claims, and claims for indemnity, is discontinued as to all parties pursuant to Rule 41 (a) (1) (ii) and (c) Federal Rules of Civil Procedure, with each party to pay its own costs and attorneys fees.

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It is further stipulated and agreed that, if the settlement is not consummated within thirty (30) days of the entry of this order, this action will be restored to the active docket of this Court upon letter application of plaintiffs' counsel;

It is further stipulated and agreed that upon payment of the total agreed settlement funds to plaintiffs, this action will be deemed dismissed on a with-prejudice basis.

Dated: New York, New York

May 2, 2008
June 2,

SO ORDERED:

Barbara K.
UNITED STATES DISTRICT JUDGE

LAW OFFICES,
DAVID L. MAZAROLI

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